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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/064,988	09/06/2002	Tsuyoshi Fujiwara	086142-0528	1836

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3000 K STREET NW
WASHINGTON, DC 20007

EXAMINER

ENGLISH, PETER C

ART UNIT	PAPER NUMBER
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3616

DATE MAILED: 03/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/064,988	Applicant(s) FUJIWARA, TSUYOSHI	
	Examiner Peter C. English	Art Unit 3616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 September 2002 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>3.4</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Drawings

1. The drawings are objected to because:

In Fig. 3a, the middle occurrence of "40" should be "41". See Fig. 1b.

In Fig. 4, the lead line for "42" is directed to the circular seam 45 instead of the interior seam 42. See Fig. 5a.

Figs. 6a-6c should be labeled "PRIOR ART" because only that which is old is shown.

2. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Specification

3. The specification is objected to because:

In paragraph 18, "are easy to increase" (line 3) and "as smaller as possible" (line 6) are awkward and grammatically incorrect.

In paragraph 19, at lines 1-3, "by shifting...from the joint portions...relative to the protective cushion" is awkward and confusing.

In paragraph 34, at line 8, "as smaller as possible" is awkward and grammatically incorrect.

In paragraph 35, at line 5, "shifted" should be "spaced".

In paragraph 41, at line 2, "not to superposed" is awkward and grammatically incorrect.

In paragraph 42, at line 1, "separated" should be "separate".

In paragraph 42, at line 4, "folded double" is awkward and grammatically incorrect.

In paragraph 44, at line 4, "there is possibility" is awkward and grammatically incorrect.

In paragraph 47, at line 2, "can be sufficiently absorb" is awkward and grammatically incorrect.

Paragraph 48 should be deleted since incorporation by reference to a foreign application is improper.

In paragraph 49, at line 4, "only be place" is awkward and grammatically incorrect.

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In the abstract, at line 10, "a" should be deleted.

Appropriate correction is required.

4. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required:

The specification fails to describe the outer shell fabric as connected to the inboard and outboard fabrics "along a plurality of connecting joints" (claim 3).

The specification fails to describe the inboard and outboard connecting joints for the outer shell fabric as being "not symmetrical about a line dividing a section of the outer shell fabric covering...and a section of the outer shell fabric covering..." (claim 4).

The specification fails to describe the air bag as having an inboard "sheet" and an outboard "sheet" (claim 8, lines 2-3; claim 12, line 2).

The specification fails to describe the fabric layer as having a shape that "corresponds substantially to the shape of the passenger side sheet" (claim 9; claim 12, lines 11-12; claim 15). In fact, this claim recitation contradicts paragraph 34, lines 1-3.

Claim Objections

5. Claims 1-7 and 10-15 are objected to because of the following informalities:

In claim 1, at line 4, "by gas" should be deleted.

In claim 1, at line 6, "cabin" should be "cabin-side".

In claim 1, "and" should be inserted at the end of line 9.

In claim 6, at line 1, "cushion" should be inserted after "The".

In claim 10, at line 2, "layer" should be inserted before "so".

In claim 11, at line 2, "passenger-side" should be "passenger side". See claim 8, line 2.

In claim 12, at line 2, "an" should be "a".

In claim 12, at line 9, "layer" should be inserted before "so".

In claim 13, at line 2, "window-side" should be "window side". See claim 12, line 2.

In claim 14, at lines 9-10, "and is attached to the window side sheet by adhesive" should be deleted since it merely repeats lines 8-9.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

6. Claim 4 is rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

The specification fails to describe the inboard and outboard connecting joints for the outer shell fabric as being “not symmetrical about a line dividing a section of the outer shell fabric covering...and a section of the outer shell fabric covering...” (claim 4).

7. Claims 1-7, 10 and 13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1, at line 2, “the vehicle” lacks proper antecedent basis. The examiner suggests that this be changed to “a vehicle”.

In claim 7, at lines 1-2, “the outer shell fabric comprises two separate pieces of fabric” is indefinite because it is unclear how one fabric can be two pieces of fabric.

In claim 7, “the outer surface...” (line 2 and line 4) lacks proper antecedent basis. The examiner suggests: at line 2, change “outer” to “exterior”; and at line 4, change “the outer” to “an exterior”.

In claim 10, at line 3, “a depressed portion” is indefinite because it is unclear how this term relates to the “depressed region” recited in claim 8, at line 9. The examiner suggests: in claim 10, at line 3, change “a depressed portion” to “the depressed region”.

In claim 13, at lines 1-2, “the layer of fabric comprises a first layer of fabric...and a second layer of fabric...” is indefinite because it is unclear how one fabric layer can be two layers of fabric.

Double Patenting

8. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the “right to exclude” granted by a patent and to prevent

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possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

9. Claims 1-15 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-15 of copending Application No. 10/064,919 in view of Hanawa et al. (JP 08169294). Claims 1-15 of Application No. 10/064,919 recite the invention substantially as claimed in the instant application except that they fail to recite that the fabric layer(s) cover depressions formed by an interior seam(s). Hanawa et al. teaches fabric layer 24 (or fabric layers 32, 33) that cover depressions formed by an interior seam 25 (or interior seams 14, 15). See Figs. 6-9. From this teaching of Hanawa et al., it would have been obvious to modify claims 1-15 of Application No. 10/064,919 by utilizing the fabric layer(s) to cover depressions formed by an interior seam(s) because this allows the shape of the air bag to be controlled by the interior seam(s), while providing a uniform surface for contacting a vehicle occupant.

This is a provisional obviousness-type double patenting rejection.

Claim Rejections - 35 USC § 102

10. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

11. Claims 8-10 are rejected under 35 U.S.C. 102(b) as being anticipated by Hanawa et al. (JP 08169294). In the embodiment of Figs. 6 and 7, Hanawa et al. discloses a side air bag comprising: inboard and outboard fabric sheets 22, 23 sewn together along a peripheral seam 30; an interior seam 25 securing the sheets 22, 23 together and forming a depressed region (see Fig. 7) when the air bag is inflated; and a fabric layer 24 sewn to an exterior surface of the inboard sheet 22 by seams 28, the fabric layer 24 covering the depressed region formed by the interior seam 25 (see Fig. 7). As shown in Fig. 6, the sheets 22, 23 and the fabric layer 24 have substantially the same shape. In the embodiment of Figs. 8 and 9, plural interior seams 14, 15 are covered by respective fabric layers 32, 33.

Claim Rejections - 35 USC § 103

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

13. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

14. Claims 1, 5 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mishina et al. (EP 962363) in view of Hanawa et al. (JP 08169294). In the embodiment of Figs. 5-7b, Mishina et al. discloses a side air bag comprising: inboard and outboard fabric sheets 21, 22 sewn together along a peripheral seam 23; and interior sewn seams 24 securing the sheets

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21, 22 together and forming depressed regions (see Fig. 7a) when the air bag is inflated. The sewn seams 23, 24 are reinforced by an adhesive 26 (see paragraph 24). The side air bag is located along a roof side member above a vehicle door (see paragraph 24).

Mishina et al. lacks fabric layers attached to an exterior surface of the inboard sheet and covering the depressed regions. In the embodiment of Figs. 6 and 7, Hanawa et al. teaches a side air bag comprising: inboard and outboard sheets 22, 23 sewn together along a peripheral seam 30; an interior seam 25 securing the sheets 22, 23 together and forming a depressed region (see Fig. 7) when the air bag is inflated; and a fabric layer 24 sewn to an exterior surface of the inboard sheet 22 by seams 28, the fabric layer 24 covering the depressed region formed by the interior seam 25 (see Fig. 7). As shown in Fig. 6, the sheets 22, 23 and the fabric layer 24 have substantially the same shape. In the embodiment of Figs. 8 and 9, plural interior seams 14, 15 are covered by respective fabric layers 32, 33. From this teaching of Hanawa et al., it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Mishina et al. by attaching fabric layers to the exterior surface of the inboard sheet such that they cover the depressed regions because this provides a uniform surface which contacts a vehicle occupant, while also protecting the interior seams.

15. Claims 2, 3 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mishina et al. in view of Hanawa et al. as applied to claim 1 above, and further in view of Ono (US 5,797,621). The Mishina et al. and Hanawa et al. combination lacks a fabric layer(s) attached to the outboard sheet and covering the interior seams. Ono teaches a side air bag comprising: inboard and outboard fabric sheets 21, 23 sewn together along a peripheral seam S12; interior sewn seams S11, S12 and tethers 26 securing the sheets 21, 23 together; and a fabric layer 24 attached to the outboard sheet 23 and covering the seams S11 and the tethers 26. See also Fig. 8 of Ono which shows a fabric layer 7 attached to the outboard sheet of an air bag 2. From this teaching of Ono, it would have been obvious to further modify Mishina et al. by providing a fabric layer(s) attached to the outboard sheet and covering the interior seams because this prevents broken window glass from damaging the air bag (see Ono, column 1, lines 25-32).

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16. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hanawa et al. (JP 08169294) in view of Mishina et al. (EP 962363). Hanawa et al. (discussed above) lacks an adhesive securing the fabric layer to the inboard sheet. Mishina et al. teaches a seam for an air bag including both an adhesive 5 and stitching 6A, 6B (see Fig. 1b). From this teaching of Mishina et al., it would have been obvious to modify Hanawa et al. by adding adhesive to the sewn seam in order to reinforce the seam and prevent the seam from leaking.

17. Claims 12 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hanawa et al. in view of Mishina et al. as applied to claim 11 above, and further in view of Ono (US 5,797,621) and Hill (US 5,730,464). The Hanawa et al. and Mishina et al. combination lacks a fabric layer attached to the outboard sheet and covering the interior seams. Hanawa et al. also lacks a single fabric layer covering plural seams. Ono teaches a side air bag comprising: inboard and outboard fabric sheets 21, 23 sewn together along a peripheral seam S12; interior sewn seams S11, S12 and tethers 26 securing the sheets 21, 23 together; and a single fabric layer 24 attached to the outboard sheet 23 and covering the seams S11 and the tethers 26. See also Fig. 8 of Ono which shows a fabric layer 7 attached to the outboard sheet of an air bag 2. Hill teaches a single fabric layer 70 attached to an inboard sheet of an air bag 44 and covering a plurality of interior seams 61 (see column 5, lines 40-41, which teaches plural interior seams). From the teachings of Ono, it would have been obvious to further modify Hanawa et al. by providing a single fabric layer attached to the outboard sheet and covering the interior seams because this prevents broken window glass from damaging the air bag (see Ono, column 1, lines 25-32). Further, it would have been obvious to replace the plural inboard fabric layers of Hanawa et al. with a single fabric layer, as taught by Hill, in order to reduce the number of parts, while providing a larger, uniform surface for contacting a vehicle occupant.

18. Claims 14 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hanawa et al. (JP 08169294) in view of Ono (US 5,797,621). Hanawa et al. (discussed above) lacks a fabric layer(s) attached to the outboard sheet and covering the interior seams. Ono teaches a side air bag comprising: inboard and outboard fabric sheets 21, 23 sewn together along a peripheral seam S12; interior sewn seams S11, S12 and tethers 26 securing the sheets 21, 23 together; and a fabric layer 24 attached to the outboard sheet 23 and covering the seams

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S11 and the tethers 26. See also Fig. 8 of Ono which shows a fabric layer 7 attached to the outboard sheet of an air bag 2. From this teaching of Ono, it would have been obvious to modify Hanawa et al. by providing a fabric layer(s) attached to the outboard sheet and covering the interior seams because this prevents broken window glass from damaging the air bag (see Ono, column 1, lines 25-32).


Conclusion

19. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. JP 02037060 teaches an air bag with a protective fabric layer. Thomas et al. teaches an inflatable structure with outer protective layers.

20. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peter C. English whose telephone number is 703-308-1377. The examiner can normally be reached on Monday through Thursday (7:00 AM - 5:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul N. Dickson can be reached on 703-308-2089. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9326 for regular communications and 703-872-9327 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.


Peter C. English 3/1/04
Primary Examiner
Art Unit 3616

pe
March 1, 2004